IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Crl.Rev.Pet.No. 406 of 1997(D)

CRMP.2000/1996 of SESSIONS COURT, ERNAKULAM

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REVN. PETITIONER/COMPLAINANT:

KAZHIKOTTIL PAINGILI'S SON RAMANAN
AYAVANAKARA, ERANALLOOR VILLAGE,
ERNAKULAM DIST.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS/ACCUSED:

1. JOSE K.PETER,
S/O.PETER,
KADAMKULA HOUSE,
AYAVANAKARA WORKING IN CATHOLIC SYRIAN BANK,
ERNAKULAM.

ADDL. 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

(ADDITIONAL R2 IMPLEADED AS PER ORDER IN
CRL.M.A. NO.9997/2006 DATED 17/1/07.)

BY ADV. SRI.T.RAVIKUMAR
SRI.S.RAJEEV
PUBLIC PROSECUTOR, SRI.SANTHOSHKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.406 of 1997

Dated this the 7th day of August, 2007

O R D E R

The revision petitioner is the complainant who had initiated proceedings before the court below vide Crl.M.P.No.2000/1996 under Section 3(1)(x) of the Schedules Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 on the allegation that on 30.4.1996, when he was tapping rubber in the estate belonging to Paulson Peter, the counter petitioner one Mr. Jose K. Peter came to the place and abused him mentioning his caste name. The Sessions Judge after considering the statement recorded by the complainant as well as the witness Paulson Peter found that Paulson Peter who is the brother of the accused Jose Peter has attempted to fabricate a false case on account of the ill will that he is having towards Jose Peter on account of property dispute. The complaint was dismissed under Section 203 Crl.P.C. It appeared that in order to prevent the accused from tapping rubber from the property, Paulson Peter has made the complainant who is a worker under him as a tool to institute a

false proceedings. No medical records were produced although it was alleged that he was beaten on his back.

2. In the circumstances and in the background of the case, I find that the impression gathered by the court below cannot be said to be incorrect. Hence, I find no reason to interfere in the order of the court below.

The revision petition is dismissed.

K.R.UDAYABHANU,
JUDGE

csl